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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,192	07/27/2001	Timothy Dawson	46918/DBP/M521	9619
23363	7590	06/15/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			REDMAN, JERRY E	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/917,192
Filing Date: July 27, 2001
Appellant(s): DAWSON, TIMOTHY

Ms. Rose A. Hickman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/3/2006 appealing from the Office action mailed 9/2/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

Patent No. 6,422,640 to Whitehead et al.

Patent No. 6,305,129 to Eckhardt et al.

(9) Grounds of Rejection

Claims 1-10, 14, and 23-33 are further rejected under 35 U.S.C. 102(e) as being anticipated by Whitehead et al

Claims 11-13 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead et al. in view of Eckhardt et al.

(10) Response to Argument

The appellant's arguments have been considered but are not deemed persuasive.

As shown in Figures 3 and 4, Whitehead discloses a door module comprising a substantially rigid portion (34 formed of hard plastic, polypropylene, i.e. these plastics

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have long fibers/staple glass fibers, column 3, line 48), a substantially elastic portion (20, expanded polypropylene, i.e., short fibers), a seal lip (142) or lips (28) having a "drip ledge" (the upper portion of extension 24/124), fasteners attached thereto (column 3, line 7), and attachment means (hollow portion 32 and the sealing that surrounds the hollow portion or extension clip rod attachments seen in Figure 2) for attaching noise reduction elements.

All of the elements of the instant invention are discussed in detail above except providing the glass fiber portion between 30-70%, 40%, having a length of about 20mm and a thickness of .02mm. Eckhardt et al. disclose a door module part formed of plastic glass fibers by 30% weight (column 5, line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rigid portion of the door module of Whitehead et al. with glass fibers by 30-70% or approximately 40% weight as taught by Eckhardt et al. since the approximate percentage of glass fibers provides for a stronger and less expensive plastic. It would have been further obvious to one of ordinary skill in the art at the time of the invention to provide the glass fibers of Whitehead to have a length of 20mm and thickness of .02mm since smaller glass fibers increase the strength of the plastic and one of ordinary skill in the art would maximize the strength and costs to manufacture verses the size of the glass fiber when forming the final plastic product.

It is inherent and well known in the art that hard or dense plastics (polypropylene) have long glass fibers and that less hard/dense, or elastic plastic (polypropylene) has short glass fibers or no fibers because of the desire to provide some flexibility to the

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plastic. Currently, the appellant is relying on the premise that a single piece of polypropylene plastic has a portion with long glass fibers and a portion free of long glass fibers (either no fibers or short glass fibers). Furthermore, it appears that the appellant is relying on a method of forming (a single piece of plastic when formed/extruded/molded has a portion with long glass fibers and a portion substantially "free" of long glass fibers) and not the apparatus per se. Currently, the appellant's broad claims would read on any door component formed of plastic having a hard/dense portion and a flexible portion.

Still furthermore, the appellant's evidence appendix is not factual and based merely an opinion of interest.

The Examiner requests the opportunity to present arguments at the oral hearing.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.

Mr. Jerry Redman


Jerry Redman
Primary Examiner

Mr. Richard Chilcot


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